REMARKS

This responds to the Office Action dated August 10, 2011.

Claims 1, 20-22, 33-35, 38, 43-44, and 46-50 are amended, claims 37, 39, and 41 are canceled, and no claims are added; as a result, claims 1-5, 7, 9-36, 38, 43-44, and 46-50 are pending in this application.

Claim Objections

Claim 33 is objected to due to an informality. Claim 33 is amended herein to correct the informality. The Applicant therefore respectfully requests withdrawal of the claim objection.

The Rejection of Claims Under § 112

Claims 39, 44, and 46 - 49 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claim 39 has been canceled. Claims 44 and 46 - 49 have been amended herein to clarify the claimed subject matter. Claims 44 and 46 - 49 have been amended herein to clearly recite subject matter not to be interpreted under 35 U.S.C. § 112, sixth paragraph. The Applicant therefore respectfully requests withdrawal of the § 112 rejections.

The Rejection of Claims Under § 103

Claims 1-5, 9-20, 32, 38 and 43-50 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Pazi (U.S. Publication No. 2003/0110274A1) in view of Mackay (comp.os.ms-windows.networking.tcp-ip. "Can my ISP say if i'm using a proxy?" 2/16/2002. pgs. 1-4).

Claims 7 and 33 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Pazi (U.S. Publication No. 2003/0110274A10 in view of Mackay (comp.os.ms-windows.networking.tcp-ip. "Can my ISP say if i'm using a proxy?" 2/16/2002. pgs. 1-4) as applied to claim 1 above, and further in view of Reed (Applying the OSI Seven Layer Network Model to Information Security. November 21, 2003).

Claims 21, 22, 23, and 34 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Pazi (U.S. Publication No. 2003/0110274A1) in view of Mackay as applied to

claim 1 above, and further in view of Nilsen (alt.comp.lang.php. "how to detect PROXY?" 12/24/2001. pgs. 1-2).

Claims 24-31, 35, 36 and 39 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Pazi (U.S. Publication No. 2003/0110274A1) in view of Mackay (comp.os.ms-windows.networking.tcp-ip. "Can my ISP say if i'm using a proxy?" 2/16/2002. pgs. 1-4) as applied to claim 1 above, and further in view of Daude (U.S. Patent No. 6,892,235B1). Claim 39 has been canceled herein.

Claim 37 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over (U.S. Publication No. 2003/0070096A1), hereafter Pazi2 (where Pazi, U.S. Publication No. 2003/0110274) is incorporated by reference into Pazi2 in Pazi2, [1]) in view of Mackay (comp.os.ms-windows.networking.tcp-ip. "Can my ISP say if i'm using a proxy?" 2/16/2002. pgs. 1-4). Claim 37 has been canceled herein.

Claim 41 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Pazi (U.S. Publication No. 2003/0110274A1) in view of Mackay (comp.os.ms-windows.networking.tcp-ip. "Can my ISP say if i'm using a proxy?" 2/16/2002. pgs. 1-4) and Augart (U.S. Patent No. 7,200,673B1). Claim 41 has been canceled herein.

Applicant respectfully submits that the Office Action did not make out a *prima facie* case of obviousness for at least the following reasons. Even if combined, the cited references fail to teach or suggest all of the claimed elements of Applicant's claimed embodiments.

In regard to the rejection of Claims 1-5, 9-20, 32, 38 and 43-50, the Office Action admits the following:

> Pazi in view of Mackay do not show wherein said feature related to a configuration status is selected from the group consisting of an operating system type, an operating system version, a software type, an HTTP client type, an HTTP server type, an SMTP client type, an SMTP server type, a time setting, a clock setting and a time zone setting. (Office Action, pg. 20)

Claims 1, 38, 43, 44, and 50 have been amended herein to include the following elements or elements similar thereto:

> identifying a feature of an original source of said first information element, the feature of the original source including a device configuration status of the original source, the device configuration status including an indication of a type of software installed on the original source;

> identifying a feature of the potential relay device, the feature of the potential relay device including a device configuration status of the potential relay device, the device configuration status including an indication of a type of software installed on the potential relay device; and

As such, Claims 1, 38, 43, 44, and 50 now include elements admittedly absent from Pazi and Mackay. Thus, Claims 1, 38, 43, 44, and 50 and their dependent claims (2-5, 7, 9-33, and 46-49) are not rendered obvious over Pazi and Mackay. The Applicant respectfully requests withdrawal of the §103(a) rejections related to claims 1-5, 9-20, 32, 38 and 43-50.

In regard to the rejection of Claims 7, 24-31, 33, and 35-36, these claims now include elements admittedly absent from Pazi and Mackay. Reed and/or Daude do not disclose or suggest the elements missing from Pazi and Mackay as explained above. Thus, Claims 7, 24-31, 33, and 35-36 are not rendered obvious over Pazi, Mackay, Reed, and/or Daude, or any combination thereof. The Applicant respectfully requests withdrawal of the §103(a) rejections related to claims 7, 24-31, 33, and 35-36.

In regard to the rejection of Claims 21-23, and 34, these claims include elements admittedly absent from Pazi and Mackay. The Office Action asserts that Nilsen allegedly discloses elements of claims 21-23 and 34 as argued in the passage below:

> Nilsen shows wherein said feature related to a configuration status is selected from the group consisting of an operating system type, an operating system version, a software type, an HTTP client type, an HTTP server type, an SMTP client type, an SMTP server type, a time setting, a clock setting and a time zone setting (pg. 1). (Office Action, page 20)

The Applicant is unable to find any portion of Nilsen that shows or in any way implies a feature related to a configuration status being selected from the group consisting of an operating system type, an operating system version, a software type, an HTTP client type, an HTTP server type, an SMTP client type, an SMTP server type, a time setting, a clock setting and a time zone setting. The Applicant is also unable to find any portion of Nilsen that shows or in any way implies a feature of an original source including a device configuration status of the original source, the device configuration status including an indication of a type of software installed on the original source. The Applicant is also unable to find any portion of Nilsen that shows or in any way implies a feature of a potential relay device including a device configuration status of the potential relay device, the device configuration status including an indication of a type of software installed on the potential relay device. Nilsen is a merely a message exchange record between two individuals. The sum total of the allegedly relevant portions of the Nilsen disclosure are set forth below:

```
SQUID sets the http header via.
$_SERVER["HTTP_VIA"] == "1.1 tenchi:3128
```

```
(Squid/2.4.STABLE1)"
in my case...
hth,
---
        Morten Nilsen, aka Dr. P
```

As such, Nilsen provides no disclosure or suggestion of the embodiments as claimed. Nilsen does not disclose or suggest the elements missing from Pazi and Mackay as explained above. Thus, Claims 21-23, and 34 are not rendered obvious over Pazi, Mackay, and/or Nilsen, or any combination thereof. The Applicant respectfully requests withdrawal of the §103(a) rejections related to claims 21-23, and 34.

The Applicant respectfully submits that the pending claims are patentable and requests withdrawal the rejections under 35 U.S.C. §103.

AMENDMENT AND RESPONSE UNDER 37 C.F.R § 1.111
Serial Number:10/585,517
Filing Date: July 10, 2006
Title: DETECTING RELAYED COMMUNICATIONS

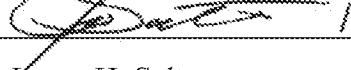Page 17
Dkt: 2043.561US1

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's representative at (408) 406-4855 to facilitate prosecution of this application.

If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

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Date _____ 12 Dec 2011 _____   By _/ _____ /_____

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